

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

VIRNETX INC.,
Appellant

v.

CISCO SYSTEMS, INC.,
Appellee

2018-1751

Appeal from the United States Patent and Trademark
Office, Patent Trial and Appeal Board in No. 95/001,851.

ON PETITION FOR PANEL REHEARING

Before CHEN, BRYSON, and HUGHES, *Circuit Judges*.

PER CURIAM.

O R D E R

Appellee Cisco Systems, Inc. filed a petition for panel rehearing arguing that collateral estoppel bars Appellant VirnetX Inc. from arguing for the patentability of claims 5, 12, and 13 of U.S. Patent No. 7,418,504 B2. Following the panel's request, VirnetX filed a response to the petition. Having considered the petition and the response, the panel

concludes that rehearing is not warranted. We note, however, that our denial of rehearing leaves open the issue of collateral estoppel to be considered on remand.

IT IS ORDERED THAT:

The petition for panel rehearing is denied.

FOR THE COURT

October 1, 2019
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court